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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/039,110	01/04/2002	Barrett M. Faneuf	042390.PI3121	8647

7590 10/05/2005  
Stephen M. De Klerk  
BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP  
Seventh Floor  
12400 Wilshire Boulevard  
Los Angeles, CA 90025-1026

EXAMINER
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THOMPSON, GREGORY D

ART UNIT	PAPER NUMBER
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2835

DATE MAILED: 10/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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<b>Office Action Summary</b>	<b>Application No.</b> 10/039,110	<b>Applicant(s)</b> FANEUF ET AL.	
	<b>Examiner</b> Gregory D. Thompson	<b>Art Unit</b> 2835	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 05 July 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-9, 14-20 and 22-27 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 22-24 is/are allowed.
- 6) ☒ Claim(s) 1-8, 14, 15, 17-19, 22 and 25-27 is/are rejected.
- 7) ☒ Claim(s) 8, 9, 15, 16 and 20 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>6/03, 2/04, 7/04</u> . | 6) <input type="checkbox"/> Other: _____  |

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1. Applicant's election without traverse of Figures 14-16 with claims 1-9,14-20,22-27 readable thereon in the reply filed on 6/5/05 is acknowledged.

2. Claim 5 is objected to because of the following informalities: line 3 appears language of "external " should be "outer" since claim1 recites "outer surface " in line 3.

Appropriate correction is required.

3. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970);and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

4. Claims 1-6,14,15,22,25-27 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-9 of U.S.

Patent No. 6,643,132. Although the conflicting claims are not identical, they are not patentably distinct from each other because the structural limitations of the interface subcomponent having an outer surface for mating with an outer surface of a chassis component of a server unit subassembly where the outer surface of the interface being profiled as so to have at least first and second portions that are at an angle other than 0 degrees to one other, first and second portions angled between 0 and 90 degrees, recessed outer surface, the portions are straight, internal volume partially defined by an

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inner surface of the wall , an inlet ,an outlet, baffle separating the internal volume into first and second chambers, server computer frame subassembly having a frame and interface component with an outer surface profiled so as to have at least first and second portions that are at an angle other than 0 degrees relative to one another, first portion is at an angle between 0 and 90 degrees in claims 1-6,14,15,22,25-27; respectively , is anticipated by the structural language present in claims 1-9 of the patent for example language of server unit subassembly, frame, interface component with outer surface , internal volume , an inlet , an outlet , outer surface of the interface component with an outer surface of the frame(chassis) component , first and second outer surface portions are at angle other than 90 degrees relative to one other, internal volume separated by a baffle to define first and second chambers, and first and second portions are straight to just point out a few anticipated structural limitations between the case and patent.

5. Claims 1-8,14,17,19,25-27 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1,4-8,12,13,15,20-21,26 are of U.S. Patent No. 6,693,797. Although the conflicting claims are not identical, they are not patentably distinct from each other because the structural limitations of the interface subcomponent having an outer surface for mating with an outer surface of the chassis component of a subassembly where the outer surface of the interface being profiled so as to have at least first and second portions that are at an angle other than 0 degrees relative to one another, first and second portions angled between 0 and 90 degrees, recessed out surface , the portions are straight, fins on the

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interface extending therefrom, interface with internal volume , interface with an inlet and an outlet , server computer frame subassembly having a frame and interface component having an outer surface profiled so as to have at least first and second portions that are at angle other than 0 degrees relative to one another , first portion is at angle between 0 and 90 degrees in claims 1-8,14,17,19,25-27; respectively, is anticipated by the structural language present in claims 1, 4-8,12,13,15,20-21,26 for example language of frame, frame components ( thermal interface subcomponent), surface having a recessed profiled angled shape between 0 and 20 degrees , frame component fins extending from the frame structure, frame component having internal volume, inlet and an outlet to just point out a few anticipated structural limitations between the case and the patent.

6. Claims 1-7,14,17-19,25-27 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by Bear (6,796,372). Bear has related Provisional application 60/297,552 filed on 6/12/2001. Bear discloses a frame level thermal interface component subcomponent 110 for mounting to a frame or enclosure 118 having an outer recessed surface profiled so as to have at least first and second portions 112 angled between 0 and 90 degrees relative to one another for mating with an outer surface 108 of a chassis server component 102 as seen in Fig. 1B. The triangle first and second portions 112 are straight. The fins would be 116,126. The inlet and outlet (not shown) would be illustrated by the flow in and flow out arrows in Fig. 1A. The channels 114 would provide the internal volume and heat would transfer from the outer surface 112 through a wall (area between 112 and channels 114) of the interface to the internal volume. The outer

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surface has a height and width with a substantially constant cross- section along its width and fins 116,126 extend substantially horizontally along the interface subcomponent.

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. Claims 1-6 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Nordin(5,289,694). Nordin discloses a frame level thermal interface subcomponent 273 for mounting to a frame structure assembly 2 by elements 201 and 270 having an outer recessed surface profiled so as to have at least first and second portions 2730 angled between 0 and 90 degrees for mating with an outer surface 1020 of a chassis component 102 of a card 1 which is broad enough to read on a server unit that is not claimed. The first and second portions 2730 are straight.

9. Claims 8-9, 15-16 and 20 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The cited art does not nor teach fins located on the same side as the outer surface of the interface, baffle which divides the volume into first and second chambers, inlet and outlet on the same side of the interface, fins and outer surface on opposing sides of the interface.

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10. Claims 22-24 are allowed. The cited art does not teach nor suggest a thermal interface component that can be mounted on frame for mating with a chassis outer surface when the chassis is inserted in to the frame composed of an internal volume partially defined by an inner surface of a wall, an inlet, an outlet , a baffle separating the internal volume into first and second chambers fluid flowing through the inlet into the first chamber and over the inner surface while in the first chamber and from the first chamber into the second chamber and over the inner surface while in the second chamber as claimed.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregory D. Thompson whose telephone number is (571) 272-2045. The examiner can normally be reached on Mon -Thru from 6:00am to 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynn Feild, can be reached on (571) 272-2045,ext. 35. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should

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you have questions on access to the Private PAIR system, contact the Electronic  
Business Center (EBC) at 866-217-9197 (toll-free).

Gregory D Thompson  
Primary Examiner  
Art Unit 2835

Gregory Thompson  
Primary Examiner